

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff.

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

Subfile No. CHGA-003-0019

SUBFILE ORDER

The Court, having adopted the Special Master's Report and Recommendations on Disputed Subfile (Doc. No. 7384, filed January 12, 2004) by Order filed March 22, 2004 (Doc. No. 7433), and being fully advised in the premises, now Finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer, the Defendants **JOSE Z. CHACON** and **LUCINDA CHACON** ("Defendants") and the subject matter of this suit.
2. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendants adjudicated by this order.
3. The right of the Defendants to divert and use the public waters from the Rio Chama Stream System, Rio Gallina, Section 5, are set forth below:

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A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s): NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface water of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: Placitas Ditch

Location X: 1.460,847 feet Y: 1.899,475 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 NAD

Location and Amount of Irrigated Acreage:

Section 08, Township 23N, Range 01E, N.M.P.M.

Pt. SE¼

1.8

Total

1.8 acres

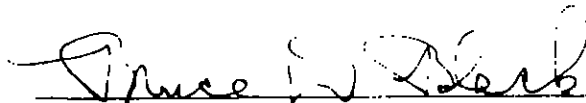
As shown on the attached revised Hydrographic Survey Map for Subfile No. CHGA-003-0019

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

4. Defendants have no surface water rights in the Rio Chama Stream System, Rio Gallina, Section 5, other than those set forth in this order and those other orders entered by this Court in this cause.
5. Defendants, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the water rights described herein.
6. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.


IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Rio Gallina, Section 5, are as set forth herein. The Defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Subfile Order as a final judgment as to the elements of the Defendants' water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.




BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:




VICKIE L. GABIN
SPECIAL MASTER

Approved and accepted:



MARY E. HUMPHREY
Attorney for Defendants

Approved as to form only:

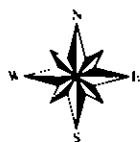


EDWARD G. NEWVILLE
Special Assistant Attorney General



LEGEND

- Irrigated Tract Boundary
- No Right Tract Boundary
- Pond
- Operable Ditch
- Point of Diversion
- No Right



1 inch = 200 feet

0 50 100 200
Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey
RIO GALLINA SECTION

Subfile Number
CHGA 003-0019

Placitas Ditch
AMENDED
August 17, 2004

